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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/435,377 05/05/95 CLERON M P1525/112007

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EXAMINER

CALDWELL, P

ART UNIT

PAPER NUMBER

2755

DATE MAILED:

04/27/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/435,377

Applicant(s)
Cleron et al

Examiner
Pat Caldwell

Group Art Unit
2755



☒ Responsive to communication(s) filed on Mar 26, 1999

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-20 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-20 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

1. This action is in response to request for CPA and declaration which were received 3-26-
99. Claims 1-20 are pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. §103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

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This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. §103, the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 C.F.R. §1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of potential 35 U.S.C. §102(f) or (g) prior art under 35 U.S.C. §103.

Claims 1-5, 7-15, 17-20 are rejected under 35 U.S.C. §103 as being unpatentable over Duggan et al (US 5 584 035) in view of Norr, Henry, "Cyberdog could be a breakthrough if it's kept on a lease", MacWeek, Vol. 8, Number 45, p. 50, 14 November 1994 .

As per independent **claim 1**, Duggan et al disclose the invention as claimed :

Duggan et al disclose an extensible and replaceable layered component computing arrangement for providing services directed to information available on computer networks (distributed object based system), operating system (12) [column 4, line 43 through column 5, line 2].

Duggan et al disclose a software component architecture layer (object software 24 in which objects are contained and the the contained information can be comprised of various

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formats, including text and images) coupled to an operating system and defining a plurality of computing components (container objects) [column 5, line 25 through column 6, line 4].

However, Duggan et al do not explicitly teach a network component layer for creating network navigation components configured to search and obtain information available on computer networks.

Norr discloses network navigation components configured to search and obtain information on the computer networks (suite of OpenDoc components with networking and communications capabilities including Internet browsing tools) [first page of enclosed copy of article].

It would have been obvious to one skilled in the art at the time the invention was made to modify the system of Duggan et al to include the retrieval functions as taught by Norr to enable users to locate information locally and remotely and to embed this information directly into documents.

As per **claim 2**, Duggan et al do not explicitly disclose an computing arrangement wherein the network navigation components are objects and the network component layer comprises application programming interfaces delivered in the form of objects in a class hierarchy.

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Norr discloses an environment wherein the network navigation components are objects and the network component layer comprises application programming interfaces in a class hierarchy (suite of OpenDoc components with networking and communications capabilities) [middle of first page of enclosed copy of article].

It would have been obvious to one of ordinary skill at the time the invention was made to modify the system as taught by Duggan et al by implementing the application programming interfaces that are delivered in the form of objects in a class hierarchy because it would provide the system of Duggan et al with an improved capability of an interface for network communications.

As per **claim 3**, Duggan et al as modified by Norr teach an application programming interface which includes a first class [Norr: suite of OpenDoc components having network and communications capabilities; first page of enclosed copy of article].

As per **claim 4**, Duggan et al as modified by Norr teach an application programming interface which includes a second class [Norr : connection capabilities as software components; first page of enclosed article, last paragraph].

As per **claim 5**, Duggan et al as modified by Norr teach a means for spawning the stream object (linking) [Duggan : column 8, line 50 through column 10, line 12].

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As per **claim 7**:

Duggan et al disclose an extensible and replaceable layered component computing arrangement for providing services directed to information available on computer networks (distributed object based system), operating system (12) [column 4, line 43 through column 5, line 2].

Duggan et al teach a processor [col. 12, lines 20-21].

Duggan et al disclose a software component architecture layer (object software 24 which includes objects which are contained and the contained information is comprised of various data formats, such as text and images) coupled to an operating system and defining a plurality of computing components (container objects) [column 5, line 25 through column 6, line 4].

However, Duggan et al do not explicitly teach a network component layer for creating network navigation components configured to search and obtain information available on computer networks.

Norr discloses network navigation components configured to search and obtain information on the computer networks (suite of OpenDoc components with networking and communications capabilities including Internet browsing tools) [first page of enclosed copy of article].

It would have been obvious to one skilled in the art at the time the invention was made to modify the system of Duggan et al to include the retrieval functions as taught by Norr to enable users to locate information locally and remotely and to embed this information directly into documents.

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As per claim 8:

Duggan et al in combination with Norr teach a means for embedding components having mixed data types and formats (embedding extracts from anywhere on a global network) [Norr : first page of enclosed copy, fourth paragraph of text].

As per claim 9:

Duggan et al in combination with Norr teach application programming interfaces (windows interface software 14, windows software 22) [Duggan : column 4, lines 62-63; column 5, lines 21-24].

As per claim 10:

Duggan et al in combination with Norr teach means for constructing a network navigation component representing a resource available on the computer network (objects, icons) [Duggan : column 5, lines 25-65; column 7, lines 3-7; column 11, lines 19-40].

As per claim 11:

Duggan et al in combination with Norr teach network navigation component that implements a protocol (http implemented by clicking on Web link) [Norr : first page of enclosed copy of article, sixth paragraph of full text].

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As per **claim 12**:

Duggan et al in combination with Norr teach network navigation components providing additional functionalities (extension of Internet-based data presentation) [Norr : first page of enclosed copy, fifth paragraph of text].

As per **claim 13**:

Duggan et al in combination with Norr teach a computing part having a viewing editor and data content (windows) [Duggan : column 6, line 23 through column 7, line 2].

As per **claim 14**:

Duggan et al in combination with Norr teach transferring files over networks (locating information from a network and extracting information directly into presentations) [Norr : first page of enclosed copy of article, fourth paragraph of text].

As per **claim 15**:

Duggan et al in combination with Norr teach a browsing component (browser) [Norr : first page of enclosed copy of article, fifth paragraph of full text].

As per **claim 17**:

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Duggan et al disclose controlling operations of a computer system with a operating system coupled to a software component architecture layer (object software 24) [column 5, line 25 through column column 6, line 4].

However, Duggan et al do not explicitly teach a network component layer for creating network navigation components configured and providing a network service.

Norr discloses network component layer for creating a plurality of components and invoking a component to provide network service (suite of OpenDoc components with networking and communications capabilities including Internet browsing tools) [first page of enclosed copy of article].

It would have been obvious to one skilled in the art at the time the invention was made to modify the system of Duggan et al to include the retrieval functions as taught by Norr to enable users to access information from various locations across a network.

As per claim 18:

Duggan et al in combination with Norr teach extending navigation components (linking from one resource to another) [Norr : first page of enclosed copy of article, fourth through sixth paragraphs of full text].

As per claim 19:

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Duggan et al in combination with Norr teach browsing [Norr : first page of enclosed copy of article, fifth paragraph of full text].

As per **claim 20:**

Duggan et al in combination with Norr teach a platform for developing components for operation on a variety of hardware and software computer systems (suite of OpenDoc components with networking capabilities, including a set of Internet browsing tools) [Norr : first page of enclosed copy of article, third paragraph of full text].

Claims 6 and 16 are rejected under 35 U.S.C. §103 as being unpatentable over Duggan (US 5 584 035) in view of Norr, Henry, "Cyberdog could be a breakthrough if it's kept on a lease", MacWeek, Vol. 8, Number 45, p. 50, 14 November 1994 as applied to claims 4 and 13 above, and further in view of Harkey et al, "Object component suites: the whole is greater than the parts", Datamation, 15 February 1995, Vol. 41, Number 3, page 44 .

Harkey et al teach a third class which can construct an network navigation object representing additional behaviors (customizing behaviors) provided to computer components [Section *Components and Frameworks*, second and third pages of enclosed copy of article and Section *Client/Server Component Suites*, fourth page of enclosed copy of article, second paragraph].

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It would have been obvious to one of ordinary skill at the time the invention was made to modify the system as taught by Duggan et al and Norr with extension capabilities to provide the capabilities of user customization of applications.

As per **claim 16**:

Duggan et al in combination with Norr teach displaying text [Duggan : Figures 28 and 29].

However, Duggan et al in combination with Norr do not teach displaying movies.

Harkey et al explicitly teach components which can handle movies [page 3 of enclosed article, section Parts: Components, Opendoc Style, second paragraph]. It would have been obvious to one of ordinary skill at the time that the invention was made to modify Duggan et al and Norr to extend the functionality of the system to include data formatted for movie viewing.

Response to Amendment

2. The declaration filed on 3-26-99 under 37 CFR 1.131 has been considered but is ineffective to overcome the Norr reference.

Applicants have submitted a **Declaration of Sari Harrision under 37. C.F.R. 1.131.**

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MPEP 715.04 Who May Make Affidavit or Declaration; Formal Requirements of Affidavits and Declarations state that **“affidavits or declarations to overcome a rejection of a claim or claims on a cited patent or publication must be made by the inventor or inventors of the subject matter of the rejected claim(s) or the assignee or other party in interest when it is not possible to produce the affidavit or declaration of the inventor(s).”**

The declaration of Sari Harrison is not a declaration made by **all or less than all of the named inventors of the subject matter claimed or the assignee or other party of interest.**

Affidavits or declarations to overcome a rejection of a claim or claims on a cited patent or publication must be made by the inventor or inventors of the subject matter of the rejected claim(s) or the assignee or other party in interest when it is not possible to produce the affidavit or declaration of the inventor(s). Thus, where all of the named inventors of a pending application are not inventors of every claim of the application, any affidavit under 37 CFR 1.131 could be signed by only the inventor(s) of the subject matter of the rejected claims. Further, where it is shown that a joint inventor is deceased, refuses to sign, or is otherwise unavailable, the signatures of the remaining joint inventors are sufficient. However, the affidavit or declaration, even though signed by fewer than all the joint inventors, must show completion of the invention by all of the joint inventors of the subject matter of the claim(s) under rejection.

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The showing of facts shall be such, in character and weight, as to establish reduction to practice prior to the effective date of the reference, or conception of the invention prior to the effective date of the reference coupled with due diligence from prior to said date to a subsequent reduction to practice or to the filing of the application. Original exhibits of drawings or records, or photocopies thereof, must accompany and form part of the affidavit or declaration or their absence satisfactorily explained.

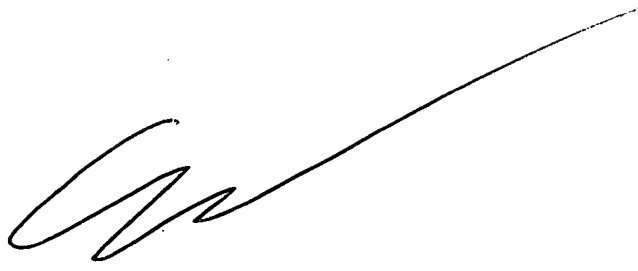
Conclusion

3. All claims are drawn to the same invention claimed in the parent application prior to the filing of this Continued Prosecution Application under 37 CFR 1.53(d) and could have been finally rejected on the grounds and art of record in the next Office action. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing under 37 CFR 1.53(d). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however,

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will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.



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